

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION

DAVID MIMS and DONNA MIMS,)
)
Plaintiffs,)
) Case No. 1:12-CV-00244-VEH
v.)
)
WAL-MART STORES, INC.; et al.,)
)
Defendants.)

JOINT MOTION TO SUSPEND AMENDED SCHEDULING ORDER
PENDING FINALIZATION OF SETTLEMENT

COME NOW, Defendant Wal-Mart Stores, Inc. (hereinafter “Wal-Mart”) and Plaintiff and file this Joint Motion to Suspend the Amended Scheduling Order Pending Finalization of Settlement of this case and would show as follows:

1. Blitz U.S.A., Inc. (“Blitz”), one of the Co-Defendants in this action, filed for bankruptcy protection in the United States Bankruptcy Court for the District of Delaware, under Chapter 11 of the United States Bankruptcy Code. Plaintiff’s claims against Blitz have been stayed under 11 U.S.C. § 362(a) and now constitute claims in the Bankruptcy Court.

2. In relation to the Blitz bankruptcy, Wal-Mart has participated in a number of mediation sessions with the Creditors’ Committee representing tort claimants (including Plaintiffs), Blitz, and Blitz’s insurance carriers in an effort to resolve all of the pending lawsuits across the nation related to injuries allegedly

caused by portable consumer gasoline containers manufactured by Blitz, including the present action.

3. The Parties believe that the aforementioned negotiations have advanced to the point that it is in the Parties' best interest to suspend ongoing litigation in this action in order to allow the Parties the opportunity to work out the final terms and language of a Settlement Agreement, Releases, and certain other issues related to the resolution of these cases, including this case.

4. The Parties request that this Court issue an Order temporarily suspending all deadlines scheduled to occur in this action, including but not limited to all Amended Scheduling Order deadlines to enable the Parties to conclude resolution of these cases by seeking the Bankruptcy Court's approval of the terms and conditions of the Settlement.

For all of the foregoing reasons, Wal-Mart and Plaintiff respectfully request that the Court grant this motion and enter an Order suspending the Amended Scheduling Order and All Case Activity.

This the 28th day of May, 2013.

Respectfully submitted,

/s/ Stacey L. Strain

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CERTIFICATE OF SERVICE

I, Stacey L. Strain, as attorney for Defendant Wal-Mart Stores, Inc. do hereby certify that I have this day served a true and correct copy of the above and foregoing by ECF filing upon:

Glenda G. Cochran
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Attorney for Plaintiffs

This the 28th day of May, 2013.

/s/ Stacey L. Strain
STACEY L. STRAIN